



**PLANNING COMMISSION
Minutes of the Regular Meeting
Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
October 5, 2016
6:30 p.m.**

1. PLANNING COMMISSION ROLL CALL:

ANDERSON, MANZO, NGUYEN, RICE, AND VO

PRESENT: ANDERSON, MANZO, AND RICE

ABSENT: NGUYEN AND VO

STAFF PRESENT:

Steve Ratkay, Associate Planner; Shelley Dolney, Administrative Assistant; Margie L. Rice, Council Member

2. SALUTE TO FLAG:

Administrative Assistant Shelley Dolney led the salute to the flag.

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Associate Planner Ratkay stated there was a memorandum received related to item related to item 10.1

4. EX PARTE COMMUNICATIONS

Commissioner Rice stated she drove by the site for item 8.1.

5. SPECIAL PRESENTATIONS - None

6. ORAL COMMUNICATIONS - None

7. APPROVAL OF MINUTES – September 21, 2016

Motion: It was moved by Vice Chair Manzo, and seconded by Commissioner Rice, to approve the Planning Commission meeting minutes of September 21, 2016. The motion carried (3-0) with the following vote:

AYES: ANDERSON, MANZO, RICE

NOES: NONE

ABSENT: NGUYEN, VO
ABSTAIN: NONE

8. PUBLIC HEARINGS

8.1 Case No. 2016-02 (Tentative Parcel Map, Development Review, Conditional Use Permits, Variance, and Mitigated Negative Declaration)

Location: 13862, 13872 and 13900 Goldenwest Street; 13871, 13881, 13891, 13901, 13911, and 13925 Pine Street (APN # 096-081-02, 096-081-18 to 096-081-23, and 096-081-39)

Applicant: Matthew Baca on behalf of ALDI

Project Name: ALDI Grocery Market

A request for a Tentative Parcel Map (TPM), Development Review (DR), Conditional Use Permits (CUP), Variance (V) and Mitigated Negative Declaration (MND) to consolidate multiple parcels into two new parcels and develop the site with a 17,752 square-foot single-story grocery market that includes the incidental the sale of beer and wine for off-site consumption.

CEQA COMPLIANCE: The proposed matter was determined not to be Categorically Exempt and pursuant to Section 15063 (d)(3) of the Guidelines for Implementation of the California Environmental Quality Act and an environmental Initial Study and Mitigated Negative declaration have been prepared.

RECOMMENDATION:

- 1) Adopt a resolution adopting a Mitigated Negative Declaration for Case no. 2016-02; and
- 2) Adopt a resolution approving the requested Tentative Parcel Map, Development Review, Conditional Use Permits, and Variance, subject to conditions.

Associate Planner Steve Ratkay provided a presentation to the Commission. He responded to Commissioner Rice's questions about potential impacts to the surrounding residences, stating that an 8-foot sound wall will separate the loading dock from the residence north of the project. He also responded that no letters, phone calls, or emails regarding the project had been received by staff prior to the meeting.

CHAIR ANDERSON OPENED THE PUBLIC HEARING AND ASKED THOSE IN FAVOR TO SPEAK.

Matthew Baca, representing Aldi Grocery Market, provided the history of ALDI market and business model to the Commission. He stated the store strives to be an easy place to shop and by cutting out the middle man, they provide a good value for most everyday needs to the community.

In response to Vice Chair Manzo's question about the noise for the truck deliveries, Mr. Baca stated the store will have the night delivery truck's back-up sensor and refrigeration unit turned off to help mitigate the noise.

In response to Vice Chair Manzo and Commissioner Rice's questions about the trash enclosure location and loading dock maneuvering; Mr. Baca stated the trash enclosure is located within the loading dock area for ease of use and to keep the enclosure screened from public view. He added that the enclosure location had been approved by the Midway City Sanitation District and there was ample maneuvering room within the loading dock area for the delivery trucks.

In response to Vice Chair Manzo and Chair Anderson's questions about more trees on the north elevation and screening on the east elevation with a trellis; Mr. Baca stated he would agree to additional screening on the east elevation of the building for a shield for graffiti and additional trees on the north elevation to provide some additional noise mitigation.

In response to Commissioner Rice's questions about a limited number of truck deliveries with a limited amount of product being delivered, if customers bag their own groceries, if there is a 25 cent deposit for use of a shopping cart and if there is an increase in transients due to the deposit refund; Mr. Baca stated that the store's efficiency is how they keep cost down. He affirmed that customers bag their own groceries and they have a 25 cent refundable deposit for cart use. He also responded that ALDI has not seen an increase in transients returning the carts for the deposit refund.

In response to Chair Anderson's questions about a store contact, other ALDI stores abutting residential uses, and moving the rooftop condenser; Mr. Baca stated that someone will be available 24-hours a day to answer the phone for concerns and the number to call will be posted on the receipt and the store's website at ALDI.US. He stated that ALDI has a store in Buena Park that abuts a residential neighborhood and they have been very successful mitigating the noise for that store. And, he believed the rooftop condenser could be moved further away from the residences as requested.

Barry Lindner, from Greenwood Farrow a Consultant for ALDI, said he was here to answer technical questions regarding the project.

William Lorbeer, property owner, said he was here to answer and questions as the landlord of the properties.

CHAIR ANDERSON ASKED THOSE PRESENT IN OPPOSITION TO SPEAK.

Milagros Garcia, Westminster Resident living on Pine Street in one of the homes proposed to be demolished by the project, stated she is in opposition due to the fact that she and her neighbors cannot afford to move from their current location and find

affordable rent elsewhere. She added there is no need for another grocery store in the area.

Tyrone Hepler, Westminster Resident living on Pine Street across from the proposed project, stated he was opposed to the view of a big building outside his home, the noise created from the condensers on the roof and the truck deliveries, and the trees and potential mess they may create. He was concerned with the construction process including, noise, dirt, refuse, workers, and undesirable after-hours elements. He stated there was no need for another grocery store in the area. He was also concerned about the time and frequency of truck deliveries, the refuse containers and potential added rodents in the area, and potential noise reverberating off the sound wall of the loading dock area.

Kathy Heplar, Westminster Resident living on Pine Street across from the proposed project, stated she was opposed to her neighbors having to relocate. She felt there was no need for another grocery store in the area and the proposed location will compromise the view from her home. She also felt the store may bring in more transient population, traffic, noise, and a lack of safety. She had concerns that the applicant may not comply with the promise of checking the back of the store and shutting off the back up signal on the trucks for deliveries.

Endi Garcia, Westminster Resident living on Pine Street in one of the homes proposed to be demolished by the project, stated there was no need for another grocery store or a location to buy alcohol in the area. He was opposed to getting kicked out of his home and inquired if the landowner intended to help the displaced families relocate. He felt the project would cause additional noise, rodents, and transient loitering. He also felt the owners will not check the back of the store as promised and the anticipated deliveries to the store have been underestimated.

Diana Lopez, Westminster Resident living on Pine Street in one of the homes proposed to be demolished by the project, was called to speak from the speaker card filled out, however Blanca Martinez came to the podium to speak.

Blanca Martinez (through a Spanish/English translator), Stated she was here representing her daughter, whom she was really concerned about since she is a single mother and not sure where she would be able to find affordable rent if forced to move. She offered that ALDI should relocate to the location at Springdale and Westminster where the recently vacated Ranchito Supermarket used to operate.

Juan Lopez, Westminster Resident living on Pine Street in one of the homes proposed to be demolished by the project, (Filled out a speaker card but did not come to the podium to speak), from his seat in the audience, he stated (through a Spanish/English translator) that he was the last speaker's husband and his comments would be the same.

Margarita Garcia (Did not provide a speaker card & spoke through a Spanish/English translator), Westminster Resident living on Pine Street in one of the homes proposed to be demolished by the project, stated although she appreciated the landlord allowing her to live on the property with lower rent, she asked the Commission to deny the project since she is concerned about finding affordable rent elsewhere as a family with a single income.

CHAIR ANDERSON ASKED THOSE IN FAVOR TO SPEAK IN REBUTTAL.

Matthew Baca thanked the Commission and the community members for voicing their opinions and concerns. He stated he wished to address all the concerns presented.

- Regarding the residents that will have to move from their home, he stated from this point there is a 120 day process to allow current residents to find other living situations. He stated the landowner, Mr. Lorbeer, is someone with a generous heart and has been very kind offering a low rent for the tenants. He will let Mr. Lorbeer speak more on this subject.
- Regarding the comments that a grocery store not being needed in area, he stated residents will be able to save 40-50% on groceries versus a traditional supermarket and if we felt there was no opportunity for our store to do well in the area, based on our market survey, we wouldn't be proposing this project.
- Regarding noise from the loading dock area, he stated the sound wall actually absorbs sound so there is no reverberation throughout the dock area. He added with the truck dock is recessed below grade by about four feet, making the wall a 12-foot wall at the point of connection to the dock; this allows for more sound dampening. Additionally, he stated there are pads the truck backs into which vacuum seals the truck to the loading dock which provides additional noise dampening and allows quality control of product. He offered that the Commission might consider a six-month review of the store to ensure they are mitigating noise efficiently for the surrounding neighborhood.
- Regarding the trash enclosure and pests, he stated the trash enclosure has been approved by the Midway City Sanitation District, the receptacle is in a secured enclosure and further secured by the screen at the loading gate; this provides double protection from view or people digging in the trash. He stated the store will work with the sanitation district to make sure the trash is not an attractant to pests. He added ALDI contracts with a pest control company (Western pest Control) to make sure rodents won't be an issue.
- Regarding Landscaping and potential dropping from trees, he stated they have a landscaping service that comes through as needed, trimming trees, grass, checking irrigation system, fertilizing, and raking leaves. He stated they want to be good neighbors and not have our leaves blowing into neighbor's yards.

- Regarding Construction, he stated he oversees the construction process from the genesis to the finished store. He said the construction hours are from 7:00 A.M. to 7:00 P.M., but the crews typically end the workday around 4:00 P.M. He added they have quality control and dust mitigation practices so they do not disturb the surrounding area. And, stated they follow security measures to make sure the equipment is not attractive to theft.
- Regarding the concern about transients, he stated there has not been an increase in transient activity in the other ALDI stores that have opened.

Chair Anderson asked for the total number of deliveries to be expected on a weekly basis. Mr. Baca stated there is one delivery nightly from 9:00 P.M. to 9:00 A.M., milk deliveries are expected three times a week, tortilla deliveries are expected no more than three times a week, beer deliveries are expected once per week, and Coca Cola deliveries are expected once per week. Mr. Baca affirmed there would be no more than 15 deliveries throughout the course of the week.

The Commission asked Mr. Baca if he would agree to the following conditions: Back-up beepers turned off from 9:00 P.M. to 9:00 A.M., 9:00 A.M. start for construction on Saturdays, using ivy screening along the east elevation, additional trees on the north side of property, and to make sure the trees on the landscape and site plan matched and met the minimum number required by the Municipal Code. Mr. Baca stated he would agree to the additional conditions.

Mr. Lorbeer explained the eviction process for the tenants of the homes affected by the project. He stated the he has been compassionate to the tenants and has helped them over the years and wished they would support the project, but understood their situation. He went on to explain that he was only required to provide 30 to 60 days' notice of eviction under California Law, but he negotiated with ALDI for a longer term to allow additional time to help the tenants find a new location.

CHAIR ANDERSON CLOSED THE PUBLIC HEARING.

Chair Anderson stated the situation is a little unique as it is not often there are tenants on a property being developed. The tenants have rights, but so does the landowner and development of the land is permitted by law. He thought the project would approve the overall look of the site from what exists today. He stated he was concerned about the residents living on the east side of the project, which is why he asked for the condensing unit to be moved further away from the residences; and requesting more attractive landscaping on the eastern side of the building so the neighbors won't be staring at a blank wall.

Vice Chair Manzo stated it is a very sad thing to have tenants that have to move from their home, however it is the right of the property owner by law. He added the

job of the Planning Commission is to make sure the project is built well with the least amount of impact as possible. He felt that most of the issues raised have been mitigated. He stated he was concerned about work hours and wanted the 9:00 A.M. start for construction on Saturdays and he wanted to make sure work does not start prior to 7:00 A.M. during the week. He felt this was a good project for Westminster, its residents, and would help create revenue for the City.

Commissioner Rice thanked everyone that came and spoke. She stated the Commission has compassion for everyone losing their home along Pine Street, however it is the landowner's right to sell or redevelop the property. She stated she was in favor of the project and believed it was a good project which will help bring more revenue to the City.

The Commission discussed additional conditions prior to making a motion. The following items were discussed: Construction start no earlier than 9:00 A.M. on Saturday, "protocol unit condenser" on the eastern section of the roof to be moved over the entrance of the store, ivy with a steel trellis running along the eastern wall, listing the correct amount of trees on plans, additional trees on the north end of the property, back-up warning beeper be turned off for night deliveries, six months trial period, and the development shall conform with material boards, renderings, and plans submitted by the applicant.

Motion was made by Vice Chair Manzo, and seconded by Chair Anderson, to adopt a resolution adopting a Mitigated Negative Declaration. The motion carried (3-0) with the following vote:

AYES:	ANDERSON, MANZO, RICE
NOES:	NONE
ABSENT:	NGUYEN, VO

Motion was made by Commissioner Rice, and seconded by Chair Anderson, to adopt a resolution approving the requested Tentative Parcel Map, Development Review, Conditional Use Permits, and Variance with the following changes:

Amended condition #3 – Adding the terms plans and renderings to the condition. (The subject property shall be developed for the use and in the manner requested and shall be in conformity with plans, "renderings, and material boards" as revised or modified by the approving body unless revised or modified by the approving body).

Added condition – Construction work on Saturday shall be prohibited before 9:00 A.M.

Added condition – An Eight-foot high steel ivy trellis shall be provided on the entire eastern building wall to provide additional landscaping and deter graffiti.

Added condition – The roof mounted air condenser unit shall be relocated over the building entrance area to provide additional separation from residential uses.

Added condition – The correct number of trees as required by the municipal code shall be provided and additional trees on the northern property line shall be provided.

Added condition – All delivery truck back up beepers shall be turned off during the hours of 9:00 P.M. to 9:00 A.M.

Added condition – require a six-month review from the date of occupancy to consider noise impacts and determine if further restrictions on deliveries are needed.

The motion with amended conditions of approval carried (3-0) with the following vote:

AYES:	ANDERSON, MANZO, RICE
NOES:	NONE
ABSENT:	NGUYEN, VO

9. REGULAR BUSINESS - None

10. REPORTS

10.1.MATTERS FROM THE PLANNING COMMISSION

A request from Chair Anderson to discuss park dedication fees.

Chair Anderson stated he brought this item up for review after finding out that apartment projects do not pay any park dedication fees when being developed since there is no division of property; similarly to a project we recently approved. The Commission's purpose is to consider if we would like staff prepare a report and recommendation to amend our Municipal Code to so that apartment units, where there is no division of property, should also be required to pay a park dedication fee.

Associate Planner Steve Ratkay provided information to the Commission. He presented the late communication item from Diana Dobbert, Community Services Director for the City of Westminster. A recommendation was offered that the Commission may wish to wait on drafting an ordinance regarding park fees since the Community Services Department is in the process of working on the Park Master Plan and the needs for parks and needs for funding will be better defined through the process.

Discussion ensued regarding the benefits of waiting for the Parks Master Plan versus initiating an amendment now, the long term maintenance costs of parks, and financing for current parks through park dedication fees. The Commission then directed staff to bring back a zone text amendment initiation.

Motion was made by Chair Anderson, and seconded by Commissioner Rice, to request staff to prepare a draft resolution to initiate a zone text amendment. The motion carried (3-0) with the following vote:

AYES: ANDERSON, MANZO, RICE
NOES: NONE
ABSENT: NGUYEN, VO

Commissioner Rice reported that she is unable to access the agenda attachments from her home computer prior to Planning Commission Meetings. Discussion ensued about what may cause the lack of access. The Commission directed staff to consult with the City's Information Technology Department to see if a solution can be found.

10.2.AB 1234 Reports – None

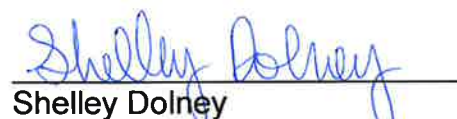
11. ADJOURNMENT – The meeting was adjourned at 8:25 p.m. to a regular meeting on Wednesday, October 19, 2016 at 6:30 p.m. in the City Council Chambers.



Don Anderson
Chairman

Brian Fisk
Planning Commission Secretary

Prepared by:



Shelley Dolney
Administrative Assistant